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PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

OCT - 8 1993

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BOARD OF PHARMACY

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF:	:	Administrative Action
	:	
	:	
JOSEPH JOHN LEONE	:	FINAL ORDER OF
RI 016958	:	DISCIPLINE
	:	
TO PRACTICE PHARMACY IN THE	:	
STATE OF NEW JERSEY	:	
	:	

This matter was opened to the New Jersey State Board of Pharmacy upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made.

FINDINGS OF FACT

1. Respondent is a pharmacist in the State of New Jersey and has been a licensee at all times relevant hereto.
2. Pursuant to Grand Jury Indictment No. 15467/95, filed in Supreme Court, County of Kings, State of New York, Respondent was charged with two (2) counts of Grand Larceny in the Second Degree, a class C felony, in violation of Section 155.40 of the Penal Law of the State of New York, and with twenty (20) counts of Offering

A False Instrument for Filing in the First Degree, a class E felony, in violation of Section 175.35 of the Penal Law of the State of New York

3. The aforesaid Indictment alleged that between on or about June 23, 1990 and on or about January 27, 1995, Respondent, a provider of pharmacy services enrolled in the New York State Medical Assistance (Medicaid) Program, with the intent to deprive another of property and to appropriate same to himself and another, wrongfully took, obtained and withheld property valued in excess of fifty thousand dollars (\$50,000) from an owner thereof in that Respondent submitted and caused to be submitted to Computer Sciences Corporation, a fiscal agent of the State of New York, claims for payment for refills of prescription medications, knowing that no such refills had been dispensed to any patient. The State of New York, in reliance upon these false representations, paid Respondent over \$50,000 to which Respondent was not entitled.

4. The aforesaid Indictment further alleged that between on or about October 7, 1992 and on or about November 22, 1992, Respondent, a high managerial agent of two separate pharmacies, both providers of pharmacy services, knowing that a written instrument contained false statements and false information, and with intent to defraud the State of New York, submitted and caused to be submitted to Computer Science Corp., a fiscal agent of the State of New York, invoices which falsely represented that Respondent had provided prescription medications to Medicaid recipients on certain dates, whereas, in truth and in fact,

Respondent knew that no said prescriptions had been provided to the patients on the indicated dates.

5. On or about September 11, 1996, in Supreme Court, County of Kings, State of New York, Respondent pleaded guilty to all counts in the aforesaid Indictment.

6. On April 11, 1997, the following sentence was ordered: 4 months incarceration on the weekends, 5 years probation, and \$600,000 restitution.

7. A Provisional Order of Discipline was entered by the Board on July 22, 1998 and served upon respondent on July 28, 1998.

8. The Provisional Order was subject to finalization of the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

9. Respondent, by way of counsel, submitted the following response: Joseph Leone's conduct resulted from a gambling addiction which has been successfully treated and he should therefore be permitted to continue to practice pharmacy in New Jersey subject to conditions set by the Board.

10. Respondent's submissions were reviewed by the Board and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was

not persuaded that the submitted materials merited further consideration at this time as respondent did not dispute the Findings of Fact or Conclusions of Law set forth in the Provisional Order.

CONCLUSIONS OF LAW

1. The above disciplinary action/conviction provides for the suspension of his license to practice pharmacy in New Jersey pursuant to N.J.S.A. 45:1-21, in that the crime of which respondent was convicted is one of moral turpitude and/or relates adversely to the practice of pharmacy.

ACCORDINGLY, IT IS ON THIS 9th DAY OF SEPTEMBER, 1998.

ORDERED THAT:

1. Respondent's license to practice pharmacy in the State of New Jersey be and hereby is revoked with prejudice to reapplication prior to termination of the criminal probation.

2. Should respondent seek leave to restore his license after the termination of probation respondent shall be required to appear before the Board (or a committee thereof) to demonstrate his fitness to do so, and any practice in this state prior to said appearance shall constitute grounds for the a charge of unlicensed practice. In addition, the Board reserves the right to place restrictions on respondent's practice should his license be reinstated.

NEW JERSEY STATE BOARD OF PHARMACY

By: Richard A. Palombo RPL
Richard A. Palombo, Board President